

UNITED STATES DEPARTMENT OF COMMERCE  
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Filed by: Judge Marc L. Caroff  
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**MAILED**

**JUL 23 1997**

PAT. & T.M. OFFICE  
BOARD OF PATENT APPEALS  
AND INTERFERENCES

Interference No. 103,952

Bloembergen, et al.

v.

Rimsa, et al.

This interference has been assigned to the undersigned in accordance with 37 C.F.R. § 1.610. All future papers filed in this interference should be captioned to include this information.

Any questions regarding procedure in this interference should be directed to the undersigned. However, any such contact must include the participation of both parties, e.g., via a conference call.

Each party is required to file and serve a paper in accordance with 37 C.F.R. § 1.613 identifying its lead attorney or agent (see 37 C.F.R. § 1.601(k)) by no later than **06 AUG 1997**. Future changes in the lead attorney or agent must likewise be called to the attention of this board as soon as reasonably possible. No contact should be made with the undersigned by anyone other than the lead attorneys or agents. The paper should include a phone number where the lead attorney or agent can be reached.

The time for filing and serving notice of filing (but not serving) preliminary statements (37 C.F.R. §§ 1.621 - 1.628) and for filing and serving any preliminary motions (37 C.F.R. § 1.633 et seq., note in particular, § 1.637) is set to expire **23 OCT 1997**.

No extensions of times set herein are to be expected by the parties. See 37 C.F.R. § 1.610(c), second sentence. The "press of other business" is not a reason for granting a motion to extend times. 37 C.F.R. § 1.645(a). Nor is the fact that a foreign client insists that the lead attorney communicate with foreign patent attorneys or a foreign assignee. If counsel suspect that they will be unable to meet times as set, it is expected that they will promptly notify the party represented such that new counsel can be appointed.

The parties are hereby reminded of their obligation to notify the Board of any and all right, title, and interest in any application or patent involved in the interference, if not correctly set forth in the notice declaring the interference, or of any change of right, title and interest, pursuant to the provisions of 37 C.F.R. § 1.602(b) and 1.602(c). Failure to comply may result in the imposition of an appropriate sanction under 37 C.F.R. § 1.616.

The parties are encouraged to make contact with each other at the time that lead attorneys are identified in an attempt to settle this interference. The Administrative Patent Judge can be expected to cooperate in allowing reasonable time (usually no more than 30 days) for a bona fide attempt at settlement negotiations, which will obviate the necessity for filing preliminary motions and will result in the filing of an appropriate termination paper under 37 C.F.R. § 1.662.

In this connection, the parties are hereby required to contact the undersigned Administrative Patent Judge by initiating a telephone conference within two (2) months from the date of this notice, and should be prepared to indicate at that time:

(a) whether they are actively engaged in settlement negotiations and, if so, what steps have already been taken toward settlement;

(b) whether pending negotiations, if any, are directed toward resolving the issue of prior inventorship and obviating the need for filing any preliminary motions; and

(c) the status of any pending negotiations, including how much time will be needed to conclude the negotiations and reach a settlement which will resolve the interference.

This proceeding will be conducted in strict compliance with the current rules of interference practice (37 CFR 1.601 et seq.). Accordingly, the parties are urged to make an attempt to resolve this interference by negotiation so that it may be promptly and fairly terminated with a minimum of procedural complications.

Interference No. 1 ,952

Notice is hereby given of the requirement of 35 USC 135(c) for filing in the U.S. Patent and Trademark Office a copy of any agreement "made in connection with or in contemplation of the termination of the interference." In this regard, also see 37 CFR 1.666.

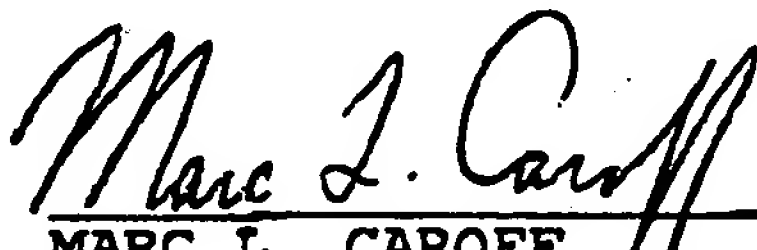
There has been confusion regarding the use of the "BOX INTERFERENCE" requirement of 37 C.F.R. § 1.1(e) in the filing of papers. Unless the paper itself is hand carried to the Service Branch of the Board of Patent Appeals and Interferences, located in Room 10C01 of Crystal Gateway 2 (1225 Jefferson Davis Highway, Arlington, Virginia), the designation "BOX INTERFERENCE" must be on the outside of the envelope containing the paper as well as on the paper itself. Merely hand carrying a paper to the PTO mail Room does not suffice.

Failure to comply creates delay and may result in a paper receiving no consideration.

Enclosed herewith are copies of the examiner's initial memorandum (Form PTO-850) and statement under 37 CFR 1.609(b).

Summary of Times Running

1. Identity of lead attorney or agent due 06 AUG 1997.
2. Telephone Conference due within two (2) months from the date of this notice.
3. Statements and Motions, if any, due 23 OCT 1997.



MARC L. CAROFF  
Administrative Patent Judge  
(703) 308-9842

MLC/abc

JUNIOR PARTY

The parties involved in this interference are:

Patentees:	Steven Bloembergen 12739 Ann Lyon Drive South Lyon, Michigan 48178
	Ramani Naravan 4275 Conifer Circle Okemos, Michigan 48864
Application:	08/097,563, filed July 27, 1993, now U.S. Patent No. 5,462,983, issued October 31, 1995
For:	BIODEGRADABLE MOLDABLE PRODUCTS AND FILMS COMPRISING BLENDS OF STARCH ESTERS AND POLYESTERS
Assignee:	Evercorn, Inc., Lansing, Mich.
Attorney of Record:	Thad F. Kryshak and Jean C. Baker
Associates Attorney:	None
Accorded Benefit Of:	NONE
Address:	Thad F. Kryshak Quarles & Brady 411 East Wisconsin Avenue Milwaukee, Wisconsin 53202-4497

The parties involved in this interference are:

SENIOR PARTY

Applicants: Stephen Rimsa  
8 Welsh Road, RD #3  
Lebanon, New Jersey 08833

Paul Tatarka  
44 Center Grove Road, Apt. Q-35  
Randolph, New Jersey 07869

Serial No.: 08/367,370, filed December 30, 1994

For: STARCH ESTER BLENDS WITH LINEAR POLYESTERS

Assignee: None

Attorneys of Record: Eugene Zagarella, Jr., Charles W. Almer, III,  
Elizabeth Anderson, Michael J. Atkins, Jean B.  
Barish, Richard S. Bullitt, Ronald A.  
Diagnualt, M. Andrea Ryan and Francis J. Tinney

Associate Attorney: Ellen T. Dec

Accorded Benefit Of: Application No. 07/995,237, filed December 22,  
1992, now abandoned and Application 07/957,924,  
filed October 7, 1992

Address: Eugene Zagarella, Jr.  
National Starch & Chemical Co.  
P.O. Box 6500  
Bridgewater N.J. 08807-0500


Count 1

1. A moldable composition comprising a compatible thermoplastic blend of a biodegradable, predominately amorphous, hydrophobic, water-repellant, starch ester having a degree of substitution of about 1.0 to about 2.5DS and a biodegradable polyester selected from the group consisting of poly (ε-caprolactone) or poly (6-caprolactone), poly (lactic acid) or polylactide, poly (glycolic acid) or polyglycolide, poly (hydroxybutyric acid), poly (hydroxyisobutyric acid), poly (hydroxy valeric acid), poly (hydroxybutyrate-co-valerate), poly (hydroxy alkanoates), and aliphatic biodegradable polyesters.

The claims of the parties which correspond to this count are:

Bloembergen, et al., : Claims 1-13

Rimsa, et al., : Claims 86-99

  
Marc L. Caroff  
Administrative Patent Judge  
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